IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION
Dated: Nainital the 16th of September, 2005
First Bail Application No. 830 of 2005

Smt. Bala W/o Late Shri Rajpal
R/o Village Jassowala
Police Station Sahaspur
District Dehradun … Applicant

Vs

State of Uttaranchal … Opposite Party

Arising out of Case Crime No. 53 of 2005
U/S 302 and 328 I.P.C.
PS Sahaspur
District Dehradun

By the court

Hon'ble B.C. Kandpal, J.

The applicant has applied for bail in case crime No.53 of 2005 under Sections 302 and 328 IP C P.S Sahaspur ,District Dehradun.

Heard Shri Ramji Srivasvta , learned counsel for the applicant, learned AGA and perused the record.

According to the prosecution case the applicant committed the murder of her husband , Rajpal by intoxicating poison in liquor The motive of the commission of the crime has been disclosed as the applicant was having illicit relation with one Israr and another person.

Learned counsel for the applicant has argued that no specific role has been assigned to the applicant therefore, there is no evidence to this effect that it was the applicant who provided the poison to the deceased in the liquor.

The learned A.G.A. has filed counter affidavit and has enclosed a copy of the statement of Bala wife of Naresh recorded under Section 161 Cr.P.C. This witness is the sister of the deceased and she has stated that she is married in the same village where her brother used to reside and she often visited the house of

her brother. On the date of the incident when she visited the house she saw that her brother was under intoxication and was crying. She also saw that the applicant (accused)was providing liquor to her brother and as soon as the applicant saw this witness, she threw the container immediately inside the room. This witness has further stated that her brother Rajpal told her that his wife (accused) had given her poison in the liquor This witness has also stated that the motive for committing this murder by the applicant was that she had illicit relation with one Israr and another person and her husband (deceased) used to object to it

Keeping in view the aforesaid facts and circumstances of the case I do not find any ground for granting the bail to the applicant.

Accordingly, the bail application is rejected.

(B.C. Kandpal, J.)

16.9.2005
nbj